

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

VICTOR RUIZ,

Plaintiff

v.

ELKO COUNTY COURT HOUSE, *et. al.*,

Defendants.

Case No. 3:23-CV-00353-ART-CLB

**ORDER TO PAY FILING FEE
OR FILE APPLICATION TO
PROCEED *IN FORMA PAUPERIS***

I. DISCUSSION

On July 14, 2023, Plaintiff Victor Ruiz ("Ruiz"), an inmate in the custody of Elko County Detention Center filed a civil rights complaint pursuant to 42 U.S.C. § 1983. (ECF No. 1-1.) Ruiz has neither paid the full \$402 filing fee for this matter nor filed an application to proceed *in forma pauperis*.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

(1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on page 3),

(2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form), and

(3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**.

The Court will grant Ruiz a **one-time** opportunity to file a fully complete application to proceed *in forma pauperis* containing all three of the required documents, or in the alternative, pay the full \$402 filing fee for this action on or before **Wednesday, August**

1 **30, 2023.** Absent unusual circumstances, the Court will not grant any further extensions
2 of time.

3 If Ruiz is unable to file a fully complete application to proceed *in forma pauperis*
4 with all three required documents or pay the full \$402 filing fee on or before **Wednesday,**
5 **August 30, 2023,** this case will be subject to dismissal without prejudice for Ruiz to file a
6 new case with the Court when Ruiz is either able to acquire all three of the documents
7 needed to file a fully complete application to proceed *in forma pauperis* or pays the full
8 \$402 filing fee.

9 A dismissal without prejudice means Ruiz does not give up the right to refile the
10 case with the Court, under a new case number, when Ruiz has all three documents
11 needed to submit with an application to proceed *in forma pauperis*. Alternatively, Ruiz
12 may choose not to file an application to proceed *in forma pauperis* and instead pay the
13 full filing fee of \$402 on or before **Wednesday, August 30, 2023** to proceed with this
14 case.

15 The Court will retain Ruiz's complaint (ECF No. 1-1), but the Court will not file the
16 complaint unless and until Ruiz timely files a fully complete application to proceed *in forma*
17 *pauperis* with all three documents or pays the full \$402 filing fee.

18 **II. CONCLUSION**

19 For the foregoing reasons, **IT IS ORDERED** that the Clerk of the Court will **SEND**
20 Ruiz the approved form application to proceed *in forma pauperis* by an inmate, as well as
21 the document entitled information and instructions for filing an *in forma pauperis*
22 application.

23 **IT IS FURTHER ORDERED** that on or before **Wednesday, August 30, 2023,** Ruiz
24 will either pay the full \$402 filing fee for a civil action (which includes the \$350 filing fee
25 and the \$52 administrative fee) or file with the Court:

- 26 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this
27 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two
28 signatures on page 3),

1 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail
2 official (i.e. page 4 of this Court's approved form), and

3 (3) a copy of the **inmate's prison or jail trust fund account statement for the**
4 **previous six-month period.**

5 **IT IS FURTHER ORDERED** that, if Ruiz does not file a fully complete application
6 to proceed *in forma pauperis* with all three documents or pay the full \$402 filing fee for a
7 civil action on or before **Wednesday, August 30, 2023**, this case will be subject to
8 dismissal without prejudice for Ruiz to refile the case with the Court, under a new case
9 number, when Ruiz has all three documents needed to file a complete application to
10 proceed *in forma pauperis* or pays the full \$402 filing fee.

11 **IT IS FURTHER ORDERED** that the Clerk of the Court will retain the complaint
12 (ECF No. 1-1) but will not file it at this time.

13 **IT IS SO ORDERED.**

14 **DATED:** July 31, 2023.

15 
16 **UNITED STATES MAGISTRATE JUDGE**